IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY

WEDNESDAY, THE 31ST JANUARY 2007 / 11TH MAGHA 1928

CRL.A.No. 698 of 1999(A)

JUDGMENT DT.23.9.1998 IN ST.1287/1994 of JUDL.MAGISTRATE OF FIRST CLASS-I, CHERTHALA .

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APPELLANT: COMPLAINANT

V.G.SAHADEVAN, PEON,
GOVERNMENT U.P.SCHOOL,
NEDUMPRAKAD, CHERTHALA.

BY ADV. SRI.V.P.SUKUMAR

RESPONDENTS: ACCUSED

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1. **N.SOMAN, TEACHER, GOVERNMENT U.P.SCHOOL,**
   NEDUMPRAKAD, CHERTHALA,
   ALAPPUZHA DISTRICT.

2. **RAVEENDRAN NAIR, TEACHER,**
   GOVERNMENT U.P.SCHOOL,
   NEDUMPRAKAD, CHERTHALA,
   ALAPPUZHA DISTIRICT.

3. **AJAYAN, S/O.DASAN, ARAVATHIKAL HOUSE,**
   VARANAD P.O., CHERTHALA.

BY ADV. SRI.C.K.SAJEEV
SMT.T.B.MINI

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 31/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY, J.

Crl.Appeal No.698 of 1999

Dated this the 31st day of January, 2007

Judgment

This appeal is filed by the complainant who filed a private complaint alleging offences punishable under sections 500 of the Indian Penal Code read with section 34 IPC. The complainant was a peon in the Government U.P.School, Nedumprakad. A1 and A2 are teachers in the above school. According to him, at the instance of A1 and A2 who are teachers, A3 published a poster containing defamatory statement against the complainant. Persons in the locality came to see the poster and thereby reputation of the complainant was lowered in the eyes of the public. Accused persons denied their involvement in the matter. After going through the evidence, the trial court found that there was no evidence to prove that who made the above poster and who published the same. There was absolutely no evidence to show that it was published at the instance of A1 and A2. The alleged defamation statement is regarding the taking of some wooden goods kept in the school. Even PWs 2 and 3 has stated that PW1, the complainant had taken the goods from the school and the same has been returned to the school. Cost of the goods was only Rs.450/- and for

realisation of the amount, PTA has also filed a suit which was later dismissed. Then court found that the complainant has failed to prove that the poster has lowered the reputation of the complainant. It was further found that even the headmaster who was the best witness was not examined. On going through the evidence, I am also of the opinion that ingredients of the offence under section 500 are not satisfied. In these circumstances, I see no ground to interfere in the order of acquittal in the appeal proceedings and the appeal is dismissed.

J.B. KOSHY
(JUDGE)

vaa

J.B.Koshy J.

Crl.A.No.698 of 1999

Judgment

31-1-2007